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THE SEARCH FOR THE MISSING

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Twenty-one grave sites (above) were identified by the North Vietnamese at the Ba Huyen cemetery as those of American prisoners of war who died in captivity in North Vietnam. Each of the sites is identified by a headstone placed on the grave by the North Vietnamese (see arrow). On the cover, a U.S. Joint Casualty Resolution Center team probes the wreckage of a 1968 helicopter crash in Long An Province, south of Saigon.

ONE year has passed since the signing of the Agreement on Ending the War and Restoring Peace in Vietnam. Many events have transpired since the signing and I would like to report on some of these as they relate to the prisoners, the missing and those listed as deceased. I would also like to review some of the efforts which we made during the conflict and since the ceasefire to obtain an accounting for our men.

The most significant event concerning our prisoners and missing, of course, was the return of 566 American military personnel, 25 U.S. civilians and 9 foreign nationals.

As you know, these individuals were taken prisoner while serving in Southeast Asia. They were primarily military personnel of the parties to the conflict and civilians serving in and out of the Government in various capacities.

Their periods of captivity ranged from only a few months to almost nine years. During this time they faced deprivations and made sacrifices that few Americans will ever encounter. Here at home, the families of our captured and missing endured the frustration and uncertainty of waiting for some word about the condition or status of their loved ones. These families and the Government were joined by countless Americans in a concerted effort to obtain a full and accurate accounting of all the men, to-

gether with humane treatment and release of those held captive.

These efforts took many forms. Private citizens and organizations transmitted innumerable letters and petitions to Communist leaders, and traveled to foreign capitals around the world to stimulate concern and interest in this humanitarian issue. The United States Government urged all nations to assist in these efforts. These appeals were made through the United Nations, other governments, the International Committee of the Red Cross, and many national Red Cross societies. The United States appealed again and again to the North Vietnamese to abide by the Geneva Convention relative to the treatment of prisoners of war. The Congress held hearings and passed many resolutions condemning the enemy for its failure to abide by this convention.

This genuine congressional concern has been further manifested in the enactment of significant legislation aimed specifically at the solution of some of the problems and difficulties faced by the families of our missing and captured men.

These efforts created widespread public interest and aroused world opinion over the plight of our men held captive. This public outcry undoubtedly reached the attention of North Vietnamese leaders and influenced their actions on these issues. Our returning prisoners have confirmed our beliefs that these efforts resulted in improved treatment for them.

Throughout the conflict in Southeast Asia, the United States Government attempted through a number of avenues to obtain information about all Americans believed captured or listed as missing. For example, in August 1965, the International Committee of the Red Cross (ICRC) addressed an appeal to the principal parties to the Vietnam conflict, calling on them to abide by "the humanitarian provisions of the Geneva Convention." It reminded North Vietnam, the Government of South Vietnam (GVN) and the United States that all were parties to the conventions and sent a copy of the appeal to the National Liberation Front (NLF) on the ground that it, too, was bound by "the undertakings signed by Vietnam."

The ICRC appeal specified five points:

- The ICRC should be permitted to serve as a neutral intermediary;
- Prisoners of war (PWs) should be treated humanely;
- PW lists should be exchanged;
- ICRC delegates should be authorized to visit PW camps; and
- Civilians should be spared the ordeal of captivity.

In separate letters to the ICRC, North Vietnam and the NLF declared that the Geneva Convention did not apply to the conflict, and in particular refused to accept the ICRC as a neutral intermediary. Although acknowledging that it had acceded to the convention in 1957, the Hanoi government said it did not apply to those captured because there had been no declaration of war. This reasoning completely ignored Article 2 of the convention which states that the convention applies in all cases of armed conflict between two or more parties to the convention.

Deceased POWs Returned

The remains of all 23 American servicemen whom the North Vietnamese had identified as having died in captivity in North Vietnam were repatriated during March.

Twelve bodies were returned on March 6 and 11 on March 13. The bodies were returned at Gia Lam airport Hanoi and then flown by U.S. Air Force aircraft to the U Tapao Air Base in Thailand.

Representatives of the U.S. Joint Casualty Resolution Center received the bodies from North Vietnamese officials. All delegations of the Four-Party Joint Military Team were present for the return in Hanoi.

In marked contrast, the United States and the GVN placed great emphasis on compliance with the Geneva Convention with respect to the treatment of prisoners of war. They arranged for regular ICRC visits to all PW camps in South Vietnam for the inspection of facilities and private discussions with enemy prisoners of war, provided lists of North Vietnam and NLF prisoners of war to the ICRC, and permitted a regular flow of mail to and from the enemy prisoners of war as well as visits with families.

On a few occasions during the period of active U.S. military involvement in the conflict, the North Vietnamese released a limited amount of information about captured or missing Americans. You may recall that one such release was made to your representative on December 23, 1970. This North Vietnamese document contained the names of 368 American Servicemen. Nine of these were listed as having been previously released, 20 were listed as having died, and the remaining 339 were listed as captives.

While we welcomed Hanoi's implicit acceptance of responsibility for the health and welfare of the 339 men, the status of these men was previously known. Moreover, the information in this North Vietnamese document was considered incomplete because there was no mention of the physical condition of the men indicated as captives, and there was no description of the cause of death or disposition of remains of those listed as deceased. Further, the list did not include the names of all Americans we believed had been captured and about whom they clearly should have had knowledge.

At no time during the conflict was this kind of information made available by North Vietnam or its allies. Although the names of a few men captured in South Vietnam were released late in the conflict, no such information with regard to men captured in Laos was forthcoming until the signing of the ceasefire agreement.

At the time of the signing of the agreement, the United States listed more than 1,900 Americans as captured or missing. The lists provided by the other side reflected 594 U.S. and third country nationals as prisoners. In the ensuing 60 days three more individuals were reported and

returned. In addition three U.S. personnel, two military and one civilian, were released by the People's Republic of China, for a total of 600 American and foreign national prisoners released. The lists also included the names of 70 persons said to have died in captivity.

While we are profoundly grateful for the return of these men, our joy and sense of accomplishment are tempered by the fact that more than 1,300 others listed by our Government as missing and captured did not return. Some feared that with the return of the prisoners, we would forget those unaccounted for and ignore the plight of their families. I can assure you this has not happened, nor will it happen. The Department of Defense will continue to seek the fullest possible accounting for these men and provide all possible assistance to their families, just as we have in the past. We shall also seek to search for, and recover the remains of, those listed as deceased but whose remains have not been recovered.

Having provided the background of our efforts to achieve these goals, I want to say something about our efforts during this past year to account for the missing.

Since last January, we have undertaken a number of initiatives and made a number of overtures aimed at resolving the fate of the missing and at returning the remains of those men listed as deceased.

Our first efforts were made in the Four-Party Joint Military Commission, which was established in accordance with Article 16 of the agreement. This commission was charged with implementing certain specific articles of the agreement, including those concerned with the return of military and foreign civilian prisoners of war and accounting for the missing in action. The commission began its work on January 31, 1973, and was limited to 60 days of operation.

The U.S. delegation made every effort to implement and enforce the provisions of the agreement. It planned and executed the withdrawal of U.S. and allied forces and negotiated the release and return of the U.S. and foreign prisoners of war. It also played a major role in negotiating the repatriation of the military prisoners of the two South Vietnamese parties. During this period, 26,508 Provisional Revolutionary Government (PRG) and 4,956 Republic of Vietnam (RVN) prisoners of war were repatriated, most of whom were transported on U.S. aircraft.

In addition to these duties, the U.S. delegation began

Personnel of the Joint Casualty Resolution Center team off-load field gear and special equipment from a helicopter as they prepare to probe the site of a wartime helicopter crash in South Vietnam (above center). At Nakhon Phanom Royal Thai Air Force Base, Thailand, members of the Joint Casualty Resolution Center (right) refine data on Americans still listed as missing in action. At far right, Marine Corps Col. Ralph D. Wallace, representing the U.S., signs formal documents during the first of two operations in which the remains and personal effects of 23 Americans the North Vietnamese said died in captivity in North Vietnam were transferred to U.S. custody.

(Wide World Photo)

(Wide World Photo)

(DoD Photo)

efforts on February 1, 1973 to obtain an accounting of the missing and the repatriation of remains of those listed as deceased. The Communist delegations acknowledged their responsibility for this action but were not receptive to our overtures for early resolution of the problem.

Our initiatives in this vein continued throughout the ensuing 60 days without substantive results.

When the Joint Military Commission ended its activities the Four-Party Joint Military Team (FPJMT) was formed. This team, as prescribed by the agreement, has the single responsibility of implementing Article 8(b) of the agreement. This article deals strictly with accounting for the missing and the return of the remains of those who have died.

The U.S. delegation of the FPJMT consists of 15 military and 6 U.S. civilian personnel. It began its work on April 2, 1973. Our chief of delegation, an Army colonel, is responsible through the Defense Attache Office in Saigon and the U.S. Support Activity Group in Thailand to the U.S. Commander in Chief, Pacific. Our delegation receives policy guidance and instructions from the American Ambassador in Saigon.

The FPJMT has been meeting approximately twice a week since April 4, 1973. The U.S. and RVN delegations have made numerous initiatives and attempts since that time to achieve compliance by the other side with the provisions of Article 8(b). Despite these efforts, the Democratic Republic of Vietnam (DRV) and PRG have not been forthcoming with any significant information on the missing and dead.

Beginning with the first meeting, we proposed immediate discussion of plans for the return of the remains of those listed as having died in captivity and for the exchange of information on the missing. We pursued first the issue of return of remains of those listed as deceased, believing this represented an action that could be completed without delay and one which would provide the basis for future progress. Instead of responding to our purely humanitarian requests, the DRV and PRG have insisted on discussing issues that are not within the purview of the FPJMT, and have even attempted to renegotiate points that had been previously agreed upon in the Four-Party Joint Military Commission.

Additionally, from the beginning of negotiations in that forum, they have insisted on discussion and linkage of other unrelated parts of the basic agreement. For example, they have repeatedly attempted to link Article 8(a), which governs the return of military prisoners and foreign civilian personnel, and Article 8(b) which is the sole responsibility of the FPJMT to Article 8(c) which relates to Vietnamese civilian detainees. Article 8(c) itself clearly specifies that the civilian detainee issue is the responsibility of the two South Vietnamese parties.

During this same time frame, the United States provided the other delegations with detailed listings of all known U.S. and third country nationals missing in Indochina. The DRV and the PRG accepted these lists and assured us they would provide whatever information they possessed.

To further assist with the accounting for the missing,

(Wide World Photo)

Members of the Four-Party Joint Military Team inspect and photograph the gravesite of one of the 23 Americans reported by the North Vietnamese to have died in captivity in North Vietnam. The Joint Military Team, including eight U.S. members, visited the Van Dien cemetery, 15 miles from Hanoi.

the United States, at the request of the DRV and RVN, agreed to provide a weekly liaison flight between Saigon and Hanoi. This mission, using U.S. Air Force C-130 aircraft, began operating on April 7, 1973.

In mid-April after discussing plans to exhume and repatriate the remains of those listed as having died in captivity, the DRV and PRG assured us of their cooperation on this issue, but emphasized the need for agreement on general modalities before proceeding to specific operations. While we recognized the need for agreement on broad principles governing activities to account for the missing, we also insisted that immediate progress could be made on the simple and clear-cut issue of the return of remains of the dead.

The DRV then proposed that the FPJMT visit the cemeteries of the dead before repatriation could begin. They stated that visits to cemeteries in North Vietnam could be made in May and that DRV officials would be prepared at that time to discuss the U.S. plans for the repatriation of the remains.

The first visit was made on May 11 to the Van Dien Cemetery, approximately 15 miles southwest of Hanoi. The team was shown three graves allegedly containing the remains of U.S. Servicemen. Two were identified as having died in captivity while the identity of the other was unknown. (Despite persistent questioning, the DRV refused to identify this last individual. They would only state that he was a crewmember and was not carrying any identification when he was found.) The team posed a number of questions relating to the recovery of the remains. The DRV officials would not respond directly to the questions, but instead cited the need for discussions and complete agreement on procedures and modalities by the FPJMT in Saigon. The team then returned to Saigon.

One week later, on May 18, the DRV again hosted a visit to the cemeteries in North Vietnam. This visit was to the Ba Huyen Cemetery, some 30 miles northeast of Hanoi. This time the team was shown 22 graves. Twenty-one allegedly contained the remains of U.S. Servicemen listed as having died in captivity, while the other was reported to be that of a Thai national. The DRV delegation had again indicated that local DRV officials would be prepared to discuss the return of the remains. Again this proved not to be the case. Instead, they followed the same line as experienced on May 11. They did not respond to direct questions and the U.S. proposal for the return of remains. Instead, they referred all discussion to the FPJMT in Saigon.

This visit represents our last substantive progress on the recovery of remains from North Vietnam. Since that time the U.S. delegation has made repeated requests to recover these remains and has offered again and again to discuss any aspect of their repatriation. The DRV reply has always been the same: There must be complete agreement on all aspects of Article 8(b) before proceeding with any specific operations.

As previously stated, we have provided lists of all known U.S. and third country nationals unaccounted for in Indochina. Concurrently with the pursuit of the issue of return of remains, we have repeatedly asked for information on the missing. These efforts have been frustrated by that now familiar theme: The necessity for prior agreement on all plans and activities to account for the missing.

To cite a specific example, we have made several specific inquiries concerning Chai Charn Harnnavee and Napadom Wang Chom, two Thai nationals whom our returnees reported were captives in Hanoi as late as March 28, 1973. The DRV response has been that all U.S. prisoners captured in the DRV have been released.

In evading their legal and humanitarian obligations, the DRV and PRG have used a multitude of schemes and tactics. They introduced to the FPJMT a proposed agreement on modalities for the implementation of Article 8(b). The proposed agreement contains many contentious and extraneous points well beyond the scope, spirit and intent of Article 8(b). One of the most objectionable of these is the construction of cemeteries, monuments and war memorials for the dead in the territory of the other parties.

The DRV and PRG have insisted it is necessary to build these cemeteries, monuments and memorials because

they might not repatriate all of their dead from the territory of other parties. These measures are far beyond the scope of Article 8(b) and represent cynical attempts by the DRV and PRG to exploit further the genuine and humanitarian concern of the U.S. of accounting for the missing to further their own military and political goals. On its part, the government of South Vietnam has stated that it will assist with the repatriation of all DRV and PRG dead to the territory controlled by the latter. It has also stated it would maintain the graves of those not repatriated at their present location or in a national cemetery.

Our side is fully aware of the DRV-PRG motives on this issue. They employed similar tactics following the 1954 Geneva Agreements, using them for political and military purposes in South Vietnam.

Still another issue irrelevant to the work of accounting for the missing is the DRV and PRG insistence that the Vietnamese next of kin be allowed to visit graves prior to or in lieu of repatriation. This is also beyond the spirit and intent of Article 8(b). This is a matter to be settled by the two South Vietnamese parties in the discussions of the Two-Party Joint Military Commission.

I repeat again that proposals such as these are beyond the spirit and intent of Article 8(b) and are motivated by political purposes. They serve not to relieve the suffering and uncertainty of the families of the missing, but only to further the political goals of the DRV and PRG. Despite their much acclaimed humanitarian policies, it is clear that they are continuing to use the suffering of the families of the missing to achieve political gains. For our part, we have expressed the view that we should exchange information on the missing to relieve the suffering and anxiety of these families.

Instead of facilitating an accounting for the missing, the plenary sessions of the FPJMT have become a forum for propaganda speeches, boycotts, walkouts and general stalling tactics by the other side. The DRV and PRG have devoted many hours to the detailing of alleged violations of the agreement and ceasefire by the U.S. and South Vietnamese. Our efforts to redirect the discussions to substantive issues have met with frustration and failure. Since early in November, there has not even been agreement on the meeting agenda. Nearly all sessions in the past six months have been characterized by stale polemics and theatrics on the part of the other side.

On October 2, for example, in its response to the proposed agenda, the PRG read a prepared statement alleging ceasefire violations by the U.S. and RVN and walked out of the meeting. This act was repeated on October 9 and again on November 15. On November 8 and 27 they boycotted the entire session in protest of alleged ceasefire violations.

On October 18, to cite another example, the U.S. proposed discussion of the exchange of information on the missing and deceased and the FPJMT responsibilities for third country nationals. The PRG response was the reading of a 25-minute statement on alleged ceasefire violations. The U.S. delegate ignored these charges by restating the proposed agenda. This was followed by a 30-minute harangue by the PRG reiterating its earlier statement.

In sum, the U.S. and South Vietnamese delegations have made many substantive proposals during the FPJMT meetings of the past 10 months that would advance the work of resolving the status of the missing. In every case, these efforts have been rebuffed by the DRV and PRG. They prefer instead to tie up the sessions with discussions of nongermane and political issues.

This lack of progress has not gone unchallenged. The U.S. delegation has made repeated protests to the DRV and PRG, all to no avail.

In a detailed statement during the FPJMT meeting on September 27, the U.S. delegation in Saigon systematically reviewed the U.S. efforts to obtain implementation of Article 8(b) by the DRV and PRG, and cited the lack of cooperation and humanitarian spirit demonstrated by the other side. This statement, as with our previous efforts, was rejected.

Despite this complete lack of cooperation from the DRV and PRG, we have made some progress in the resolution of missing cases as a result of search operations by teams of the Joint Casualty Resolution Center (JCRC). This organization is a joint task force located at Nakhon Phanom Royal Thai Air Force Base in northeast Thailand. Within the limits imposed upon it, the JCRC supervises and conducts search operations designed to assist in resolving the fate of the missing and to recover and identify remains where possible. The entire operation is peaceful, open and humanitarian in nature.

Our teams have been operating thus far in South Vietnam with the approval of that government. Requests for our teams to conduct searches are formally circulated through the FPJMT to obtain the approval of the party controlling the territory. All delegations are fully informed of our intended searches and are provided detailed schedules of these programmed operations. Further, all delegations are invited to accompany the American teams to observe each operation. Up to now only the RVN has accepted our invitation to observe these operations.

The JCRC has conducted a total of 15 of these operations since May of last year. All have been conducted in RVN-controlled territory. We have made requests to enter

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Communist territory to conduct searches but so far, permission to do so has been denied.

The last operation was conducted on December 15. In keeping with established procedures, the U.S. delegation requested permission from the RVN to conduct a search of a known crash site near Saigon. All delegations were informed of this request and the RVN granted permission for the team to enter the area. On December 13 the teams, wearing the traditional orange FPJMT insignia, conducted an initial survey of the site. On December 14, in keeping with normal policy, members of the news media visited the site and observed operations. On December 15 the search team returned to the site to continue its work. Immediately upon landing, they were attacked by a hostile force of undetermined numbers. In keeping with established policy, the American teamleader raised his hands in the international sign of surrender and shouted in Vietnamese that they were unarmed. He was killed almost immediately by the attacking force. One of the RVN accompanying him was also killed. In addition, four Americans and three Vietnamese were wounded and one helicopter was destroyed. This was nothing more than a coldblooded, calculated attack on an unarmed group which was engaged in a humanitarian mission. The DRV and PRG were aware of the purpose of this mission. They were informed of all of the details and had been extended the traditional invitation to accompany the team.

The United States has vigorously protested this coldblooded murder. Both the U.S. chief of delegation and the RVN chief of delegation strongly condemned this attack in the plenary session of December 18. Following the delivery of their protest, both delegations walked out of the meeting, for the first time in these negotiations.

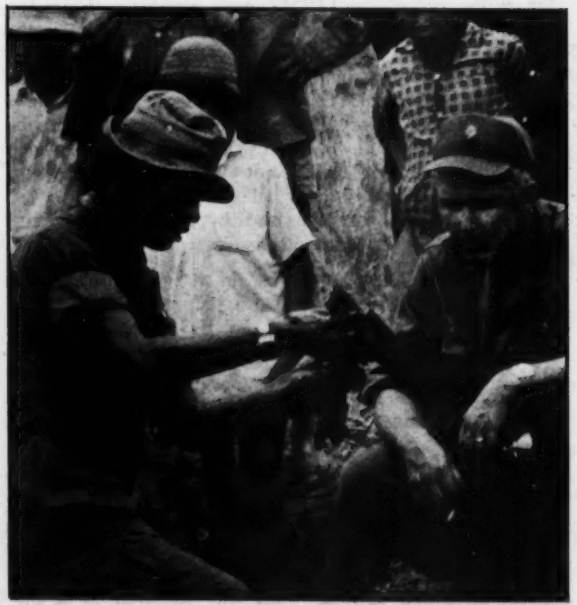
It is interesting to note the PRG refused to attend the next scheduled session. They stated they were displeased with the attitude and actions of the U.S. delegation. They have denied responsibility for the incident and have attempted to divert attention by stating that the search was illegal and was nothing more than a reconnaissance mission for military purposes. Nothing could be further from the truth. As I previously stated, the mission of searching for the missing and dead by the JCRC is open, peaceful and strictly humanitarian.

Prior to and following the attack on the team there were a number of media reports that the JCRC would soon cease operations and give up the search for the missing. I want to assure you we have no intentions of reducing our efforts in this work. We have no plans to dilute the mission of the JCRC, or to reduce its capability to perform this task. We are, though, currently limited in the number of sites we can inspect. As I stated earlier, the DRV and PRG have not allowed our teams to enter areas they control. It is in these areas that some 95 percent of our known crash of gravesites are located, and we hope the DRV and PRG will see fit to allow searches in these areas in the future.

While the number of known sites in South Vietnamese territory are limited, we are receiving new information on possible crash and gravesites on a regular basis as a result of a publicity campaign aimed at enlisting the aid of the local inhabitants of areas in which our men became missing. All of this information is being carefully analyzed for its validity and usefulness in planning future searches.

I realize this statement has not reported the successes for which we all had hoped, and has not presented a particularly bright picture for the future. We have explored many avenues and initiatives on behalf of our men who did not return from Southeast Asia and we have met with frustration and indifference on the part of the Communist delegations. Since the signing of the agreement last year the other side has yet to provide, through the FPJMT, information about a single missing American. Even though the North Vietnamese have refused to implement their previously-agreed-upon arrangements for the return of the remains of our men whom they have listed as deceased, we are determined to continue our efforts on behalf of these men and their families.

I mentioned in the beginning of my testimony the great efforts which were made in behalf of our prisoners and missing by the American public, private organizations, and the American Government, including the Congress. These unified efforts were helpful then and we welcome the continuing interest in this humanitarian cause evidenced by this hearing today. Those with whom we negotiate in Indochina have shown that they are particularly sensitive to the efforts and statements of the members of Congress, and I am sure that they will be attentive to the interest in the plight of our missing and their families shown by the Senate Foreign Relations Committee.



A Joint Casualty Resolution Center team member examines a bit of wreckage pulled from the 1969 crash site of a U.S. helicopter in South Vietnam.

(Wide World Photo)

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